

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

CR-03-76-GF-BMM

Plaintiff,

vs.

CLARENCE L. BIRD RATTLER, JR.,

ORDER

Defendant.

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on August 14, 2019. (Doc. 58.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on August 13, 2019. (Doc. 54.) The United States accused Mr. Bird Rattler of violating his conditions of supervised release by: 1) by consuming alcohol. Judge Johnston found that the violation that Bird Rattler admitted and that the government proved is serious and

warrant revocation, and recommended a sentence of four months in custody, followed by forty-eight months of supervised release to follow. (Doc. 58 at 4.)

This violation proves serious and warrant revocation of Bird Rattler's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 58) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Clarence L. Bird Rattler, Jr. be sentenced to custody for four months, with forty-eight months of supervised release to follow.

DATED this 29th day of August, 2018.



Brian Morris
United States District Court Judge